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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,137	04/27/2001	Nozomu Hasegawa	782.1101	7290

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EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,137

Applicant(s)

HASEGAWA, NOZOMU

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 7, 11, 15, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowater et al (US-PAT-NO: 6,282,269).

Regarding claims 7 and 15, Bowater et al teach on column 3 line 29 voice message can be retrieved by the second user either using an Internet telephone over the Internet. The “Internet” of Bowater et al is the claimed “data channel”. Bowater et al also teach on column 7 line 1-3 the preferred embodiment uses GSM cellular phones. Therefore, the telephone as taught by Bowater et al is a portable wireless telephone.

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For claims 11 and 19, regarding message storage systems storing voice messages, the Bowater's system must have message storage systems storing voice messages. Regarding a portable wireless telephone comprising a processor to control processing of a voice message on the message storage systems using a data channel with the message storage systems, the Bowater's system must comprise a processor to control processing of a voice message on the message storage systems.

2. Claims 12, 13, 16, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Haumont et al (US: 2001/0019951).

Haumont et al teach on item 20 Fig. 1 voice mail server for storing voice messages.

Haumont et al teach on item 30 Fig. 1 a portable wireless telephone with a storage unit, a processor (item 32, Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-6, 8-10, 14, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al (US: 2001/0019951), and in view of Kaplan (US: 6032039).

For claims 1, 3, regarding “receiving in the.....resource database”, Haumont et al teach on section [0043] - an SMS or GPRS message or packet is sent from a voice mail server (claimed “resource database”) to the mobile station (claimed “portable wireless telephone”) to alert (claimed “message service information”) the user. The GPRS connects to data networks line TCP/IP (claimed “a data channel application layer data transfer protocol”) for transmitting the alert messages.

Regarding “processing according.....service information”, Haumont et al teach on Fig. 1 delivering the voice messages to the mobile station via IP data packets.

Haumont et al failed to teach “updating the message service information”. However, Kaplan teaches on column 7 line 6-10 updating the data value (claimed “message service information”) to be zero indicating there is no unread messages.

It would have been obvious to one skilled at the time the invention was made to modify Haumont et al to have the “updating the message service information” as taught by Kaplan such that the modified system of Haumont et al would be able to support the updating to the system users.

Claims 2, 6, 14, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al, and in view of Kaplan, Ripley et al (US: 6453021). The modified system of Haumont et al in view of Kaplan as stated in claim 1 above failed to teach “the message.....mailbox information”. However, Ripley et al teach on column 4 line 59 to column 5

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line 9 a voice mail notification includes unique mailbox identifiers (claimed “subscriber mailbox information”). The mailbox identifier is where the voice mail stored. Therefore, the mailbox identifier is also the claimed “location data of the message storage system”. It would have been obvious to one skilled at the time the invention was made to modify Haumont et al, Kaplan to have the “the message.....mailbox information” as taught by Ripley et al such that the modified system of Haumont et al, Kaplan would be able to support the location data and the mailbox information to the system users.

Regarding claim 4, all rejections as stated in claim 1 above apply.

Regarding “creating a resource database”, Haumont et al teach on item 20 Fig. 1 voice mail server. The voice mail server must be created in order for the system of Haumont et al to be operable.

Regarding “storing a message.....storage system”, Haumont et al teach on section [0048] the recorded message is stored in the storage means before the transmission (reads on claimed “storing a message.....without establishing a voice or data channel with the message storage system”).

Regarding claim 5, Haumont et al teach on section [0043] SMS or GPRS or packet (claimed “different services”) alert can be sent to the mobile station.

Regarding claims 8, 9, all rejections as stated in claim 1 above apply.

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Haumont et al teach on sections [0001] to [0046] and Fig. 1, the mobile station (item 30 Fig. 1) is a voicemail receiving station where the voice mails are received from the voice mail server via data connections. Haumont et al also teach on sections [0047] to [0048] the mobile station (item 30 Fig. 1) can also be a voicemail sending station for recording and sending voice mails via data connections. Therefore, the system of Haumont et al teaches a method and process of sending voicemails from a wireless mobile station to a wireless receiving mobile station via data connections.

Regarding “recording a voice.....storage system”, Haumont et al teach on section [0048] a voicemail message can be recorded on the mobile station.

Regarding “querying according.....resource database”, the sending mobile station must query in order to obtain the IP address (assuming IP connection is used) of the message storage system in order to transmit the voicemail message.

Haumont et al failed to teach “updating the message service information”. However, Kaplan teaches on column 7 line 6-10 updating the data value (claimed “message service information”) to be zero indicating there is no unread messages.

It would have been obvious to one skilled at the time the invention was made to modify Haumont et al to have the “updating the message service information” as taught by Kaplan such that the modified system of Haumont et al would be able to support the updating to the system users.

For claim 10, regarding transmitting and receiving data units comprising data packets corresponding the message, identification information of the message, total number of the data

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packets information and data packet sequence number information, it is inherent (for data communication) that the system of Haumont et al must transmit and receive data units comprising data packets corresponding the message, identification information of the message, total number of the data packets information and data packet sequence number information.

Regarding determining whether to retransmit data packets, it is inherent (error correction for data communication) Haumont's system must determine whether to retransmit data packets.

Regarding retransmitting data packets responsive to the determining using the identification information, the total number of the data packets and the data packet sequence number information, it is inherent (error correction for data communication) the Haumont's system must retransmit data packets responsive to the determining (of error communication) using the identification information, the total number of the data packets and the data packet sequence number information.

Response to Arguments

4. Applicant's arguments filed on 9/17/03 have been fully considered but they are not persuasive.

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- i) Applicant argues, on page 9, regarding the referenced prior art (Brilla) does not teach processing a voice message via the internet as a data channel. New grounds of rejections necessitated by the amendments have been stated above.
- ii) Applicant argues, on page 9, regarding claims 7, 11, 15, 19. These claims were rejected by the prior art (Bowater et al) which is different from the prior art referenced for claim 1 rejection as the Applicant argued. Bowater et al clearly teach, as rejection stated above, limitations as Applicant claimed in claim 7.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

